

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAMES EDWARD SCOTT,	)	3:19-cv-00347-MMD-WGC
	)	
Plaintiff,	)	<b><u>MINUTES OF THE COURT</u></b>
vs.	)	
	)	September 21, 2020
NAPHCARE, et al.,	)	
	)	
Defendants.	)	
_____	)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KAREN WALKER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Before the court is Plaintiff's "Motion to Provide the Amounts of Summons and Amended Complaints Necessary to Serve All of the Unserved Defendants" (ECF No. 29). Plaintiff states that four (4) Defendants were not served due to the U.S. Marshal not being able to locate them. Additionally, Plaintiff contends he received correspondence from the U.S. Marshal which stated they were unable to serve the Defendants because there were "missing documents such as amended complaints for each defendant, order from the United States District Court directing US Marshals to serve the process, summons and proof of service." (*Id.* at 1, 2.)

On May 13, 2020, Chief District Judge Miranda M. Du issued a Screening Order instructing the Clerk to file Plaintiff's Complaint, send Plaintiff a courtesy copy, and to issue summonses for Defendants Dr. Karen, Dr. Feely, Dr. Williamson, Officer J. Costello, and Officer Franklin, and deliver the same to the U.S. Marshal for service. (ECF No. 3 at 14.) The court further ordered the Clerk to send Plaintiff five (5) USM-285 forms and gave Plaintiff 30 days in which to send the completed forms to the U.S. Marsal with relevant information as to each Defendant on each form. (*Id.* at 15, 16.)

On August 21, 2020, the United States Marshal Service returned summonses as unexecuted for Defendants Dr. Feeley, Officer Franklin, Officer J. Costello and Dr. Karen with the notations "not at location." (ECF No. 16.)

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It appears from the UMS-285 forms attached to Plaintiff's motion (ECF No. 29) that he tried to send the U.S. Marshal new USM-285 forms for these unserved Defendants (Dr. Feeley, Officer Franklin, Officer J. Costello and Dr. Karen) with new addresses. (*See*, ECF No. 29 at pp. 3-6.) The U.S. Marshal returned them with the letter referred to in Plaintiff's motion because the U.S. Marshal will not re-serve the Defendants unless ordered by the court.

**IT IS HEREBY ORDERED** that Plaintiff's "Motion to Provide the Amounts of Summons and Amended Complaints Necessary to Serve All of the Unserved Defendants" (ECF No. 29) is **GRANTED** as follows:

1. The Clerk of Court shall issue summonses for Defendants Dr. Feeley, Officer Franklin, Officer J. Costello and Dr. Karen, and deliver the same to the U.S. Marshal for service. The Clerk shall also send four (4) copies of Plaintiff's Complaint (ECF No. 4) and four (4) copies of this order to the U.S. Marshal for service on Defendants.

2. In order to save time, the Clerk of Court shall detach Plaintiff's USM-285 forms from Plaintiff's motion (ECF No. 29 at pp. 3-6) and send to the U.S. Marshal, along with the documents referenced above.

**IT IS FURTHER ORDERED** that Plaintiff shall have to and including **Friday, November 5, 2020**, in which to serve Defendants Dr. Feeley, Officer Franklin, Officer J. Costello and Dr. Karen pursuant to Fed. R. Civ. P. 4(m).

DEBRA K. KEMPI, CLERK

By:                     /s/                      
Deputy Clerk